IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT No. 718 of 1988

M.H.A.D.A & Anr. .. Plaintiffs

versus

M/s.Y.K. Utrankar & Sons & ors. .. Defendants

...

Mr.P.G. Lad, AGP for the plaintiff.

Mr.R.M. Choksey i/b M/s.Choksey & Co. for the defendants.

CORAM : D.G. KARNIK, J

DATED : 22nd June 2006.

P.C.:

1. Heard learned counsel for the parties.

2. Learned counsel for the defendants states that the defendant no.2 has died. In view of the provisions of Order 30 Rule 4 of the Code of Civil Procedure, it is not necessary to bring the heirs of defendant no.2 on record. Name of defendant no.2 only be deleted from

the record.

3. Counsel for the plaintiff points out that though several years have passed since service of the summons, defendants have not filed any written statement. He also points out that suit is only for recovery of money and prays for a decree under Order 8 Rule 10 of the Code of Civil Procedure. Suit of the plaintiff is decreed under Order 8 Rule 10 of the Code of Civil Procedure in terms of prayer clauses (a) and (b).

(D.G. KARNIK, J)